

From: Matthew Carpenter
To: Microsoft ATR
Date: 1/23/02 12:51pm
Subject: Response to the proposed Microsoft settlement

To whom it may concern-

Hello, my name is Matthew Carpenter and I am from Grand Rapids, Michigan. As one who is intimately familiar with computers and related technology, I would like to express my concern about the proposed settlement in the US vs. Microsoft case. I will spare you the "techno-jargon" which I'm sure you have most likely recieved already. Basically, the way I read it, the settlement does not fulfill the requirements of "penalty" and indeed benefits the software monopolist.

Microsoft has been convicted of maintaining a monopoly through illegal and unfair means. Remedies need to address the illegal behaviors, their affects, and overall demand a penalty which at the very least will dissuade Microsoft and others from similar activity in the future. Please don't allow Microsoft to convince you that it is in the best interest of the public to let them off easy. They have contributed a lot to the furthering of the computer industry... but the cost has been great as well, not only for their competitors, but for the public in general. The free-market system, for all its weaknesses, is still the best thing for America. Microsoft would, in my experience, say that their contributions are great and the cost is little, but by making our choices for us, they don't allow us the chance to prove otherwise.

In my opinion, remedies must address the following things to attempt restitution for the damages, or at least to allow the damage to be healed:

- * Microsoft's underlying technologies should to be made available to everyone openly. If the "standards" which Microsoft touts (eg. the format for .doc, .xls, .ppt files, etc...) are to continue, making them "open standards" in which all parties can participate openly should allow for a little competition to build. Currently products which attempt this do a poor job due to flaws in "reverse-engineering". This should be the case going forward for old and new file-formats and other such for at minimum of 5 years. Potentially, their file-formats would be a good thing to open to a standards body like ISO.

- * Microsoft's "innovations" should be kept under watch, to avoid their standard behavior of "extending" open-standards, which only breaks the standard. If they are to "extend" open-standards, they should be made to do so with the consent of a standards body which could limit changes between official standards timeframes, to promote interoperability.

- * Microsoft's Application Programming Interfaces(API's) should be made available completely, not in part as has been the case, to all partners

and developers. This is the goal which splitting the company was to address. The "internal API's" currently include much better ways of solving a problem than the API's made available to many companies, putting everyone else at a disadvantage and allowing Microsoft Desktop and Server technologies an unfair advantage over technologies developed by anyone else.

* Microsoft should be made to pay the costs for all of the above to be implemented, and any administrative fees for such.

To sum up the situation, Microsoft is the playground bully of the Computer Industry. They have already caused a great deal of damage to the industry, costing even more than they have contributed, in my opinion. The resolution needs to attempt to make them "play nicely with the other children" so-to-speak, while encouraging them and any future potential monopolists to avoid incurring the ultimate damage to the American people (and the world over): using their monopoly to take away the possibility of our having other choices.

Obviously this is a difficult decision as it does not seem like a normal thing to force a company to open up its "intellectual property." But this is not a normal situation. The company in question is a monopoly whose "intellectual property" has become a commodity to information systems. A monopoly who has proven itself capable of abusing its monopoly in order to maintain it. A monopoly who through doing so has deprived us of countless technologies which may have made our lives better. A monopoly who would have us only have one choice: a choice proven to have more security and stability problems than any systems in the past. A monopoly who in doing so, artificially enlarged the number of products which require their software, because there are no other viable choices. Even if it may appear that there are beginning to be other viable options now that the lawsuit has stayed some of the more blatant illegal activities, the penalty should be made with regards to the circumstances at the beginning of the lawsuit.

Please reconsider allowing the proposed settlement to go forward. Please consider what is best for the public. Encouraging competition in a free market is what's best. Microsoft has shown that they don't have to consider what's best for us and that is why we are here now.

Thank you for your time and consideration.

Sincerely,
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